



PATENT
Attorney Docket No.: 2500 DIV 2 CON 2 DIV 3 CON 3
(203-3515 DIV 2 CON 2 DIV 3 CON 3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Peter M. Bonutti

Examiner: Thaler, Michael H.

Serial No.: 10/729,668

Group Art Unit: 3731

Filed: December 5, 2003

Dated: March 18, 2005

For: FLUID OPERATED RETRACTORS

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:


Pursuant to Applicant(s) duty of disclosure, the information listed in the attached forms PTO/SB/08A and PTO/SB/08B is brought to the attention of the Examiner. Copies of the foreign patent documents and the non patent literature documents are enclosed for the Examiner's reference. Copies of the U.S. patent documents are not provided in accordance with the waiver of that requirement under 37 C.F.R. § 1.98.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited on date below with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 18, 2005


Jennifer Puente

these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- ☐ This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ☐ This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- ☐ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☐ Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- ☐ Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(2).
 - ☐ Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
 - ☐ Please charge the \$130.00 petition fee to Deposit Account No. **21-0550**.
- ☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- ☒ Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. **21-0550**.

[X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor.

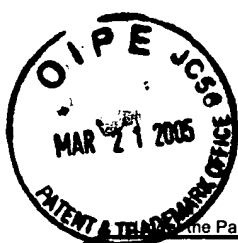
The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,



Dana A. Brussel, Esq.
Reg. No. 45,717
Attorney for Applicant(s)

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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 5

Complete if Known

Application Number	10/729,668
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Examiner Name	TBD
Attorney Docket Number	2500 DIV II CON II DIV III CON III (203-3515 DIV II CON II DIV III CON III)

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 1,863,057	6/1932	Innes	
		US- 1,909,967	5/1933	Jones	
		US- 2,854,983	10/1958	Baskin	
		US- 2,936,760	5/1960	Gants	
		US- 3,039,468	6/1962	Price	
		US- 3,253,594	5/1966	Matthews et al.	
		US- 3,397,699	8/1968	Kohl	
		US- 3,417,745	12/1968	Sheldon	
		US- 3,459,175	8/1969	Miller	
		US- 3,495,586	2/1970	Regenbogen	
		US- 3,774,596	11/1973	Cook	
		US- 3,800,788	4/1974	White	
		US- 3,875,595	4/1975	Froning	
		US- 3,882,852	5/1975	Sinnreich	
		US- 3,915,171	10/1975	Shermeta	
		US- 4,077,412	3/1978	Moossun	
		US- 4,083,369	4/1978	Sinnreich	
		US- 4,177,814	12/1979	Knepshield et al.	
		US- 4,198,981	4/1980	Sinnreich	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		2,580,504	10/1986	FR		
		1,323,090	7/1987	SU		
		594,960	3/1978	SU		
		2,639,823	6/8/1990	FR		

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		Number-Kind Code ² (if known)			
		US- 4,230,119	10/1980	Blum	
		US- 4,295,464	10/1981	Shihata	
		US- 4,312,353	1/1982	Shahbabian	
		US- 4,447,227	5/1984	Kotsanis	
		US- 4,501,266	2/1985	McDaniel	
		US- 4,555,242	11/1985	Saudagar	
		US- 4,572,186	2/1986	Gould et al.	
		US- 4,585,000	4/1986	Hershenson	
		US- 4,589,686	5/1986	Dretler	
		US- 4,608,965	9/1986	Anspach, Jr. et al.	
		US- 4,610,662	9/1986	Weikl et al.	
		US- 4,615,704	10/1986	Frisch	
		US- 4,651,717	3/1987	Jakubczak	
		US- 4,706,670	11/1987	Andersen et al.	
		US- 4,779,611	10/1988	Grooters et al.	
		US- 4,798,205	1/1989	Bonomo et al.	
		US- 4,800,901	1/1989	Ronseberg	
		US- 4,802,479	2/1989	Haber et al.	
		US- 4,861,334	8/1989	Nawaz	

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		Number-Kind Code ² (if known)			
		US- 4,875,468	10/1989	Krauter et al.	
		US- 4,899,729	2/1990		
		US- 4,921,478	5/1990	Solano et al.	
		US- 4,927,412	5/1990	Menasche	
		US- 4,932,956	6/1990	Reddy et al.	
		US- 4,954,126	9/1990	Wallsten	
		US- 4,966,583	10/1990	Debbas	
		US- 4,984,564	1/1991	Yuen	
		US- 4,994,047	2/1991	Walker et al.	
		US- 4,998,539	3/1991	Delsanti	
		US- 5,002,557	3/1991	Hasson	
		US- 5,041,093	8/1991	Chu	
		US- 5,042,976	8/1991	Ishitsu et al.	
		US- 5,122,122	6/1992	Allgood	
		US- 5,163,949	11/1992	Bonutti	
		US- 5,514,091	5/1996	Yoon	
		US-			
		US-			
		US-			

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Sheet	4	of	5	Attorney Docket Number	2500 DIV II CON II DIV III CON III 203-3515 DIV II CON II DIV III CON III

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Rafael CINELLI, M.D., "The Inflatable Silastic Bag: A Practical Device that Simplifies Augmentation Mammoplasty." From the Division of Plastic Surgery, Department of Surgery, at the Maimonides Medical Center and Medical Arts Center of New York.	
		Bruce M. RIGG, M.D., "Inflatable Device for Intraoperative Use During Augmentation Mamaplasty."--Reconstructive Surgery, May 1982.	
		Gordon H. SASAKI, M.D., "Intraoperative Sustained Limited Expansion (ISLE) as an Immediate Reconstructive Technique." Clinics in Plastic Surgery--vol. 14, No. 3, Jul. 1987.	
		Gordon H. Sasaki, M.D., "Intraoperative Expansion.TM. as an Immediate Reconstructive Technique." Facial Plastic Surgery, 5:4, Jul. 1988.	
		Declaration of Bela S. Denes, M.D., in Support of GSI's Opposition to Origin's Motion for Summary Judgment of Invalidity.	
		Declaration of John H. Payne, M.D., in Support of GSI's Opposition to Origin's Motion for Summary Judgment of Invalidity.	
		Declaration of Rafael Cinelli, M.D., in Support of GSI's Opposition to Origin's Motion for Summary Judgment of Invalidity.	
		Rebuttal Expert Report of John H. Payne, M.D.	
		Rebuttal Expert Report of Rafael Cinelli, M.D.	
		Expert Report of Ernest K. Manders, M.D., executed date Dec. 1, 1997.	

Examiner Signature		Date Considered	
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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Expert Report of Guy Voeller, M.D., executed date Dec. 1, 1997.	
		Declaration of Guy Voeller in Support of Origin's Motion for Summary Judgment of Invalidity	
		Henry T. HOFFMAN, M.D., and Shan H. BAKER, M.D. "Nasal Reconstruction with the Rapidly Expanded Forehead Flap," Laryngoscope, 99:1096-1098.	
		R. WITTMOSER, Retroperitoneoscopy: A Preliminary Report, pp. 760-761.	
		Dr. Sanchez de Badajoz CHAMMORRO et al., Stress Incontinence: A New Endoscopic Approach, Urology, vol. 36, No. 5, pp. 403-405.	
		Order Denying Plaintiff General Surgical Innovations, Inc.'s Motion for Partial summary Judgment of Claim 3 or U.S. Patent No. 5,514,153.	
		Declaration of Edward L. Felix, M.D., in Support of origin's Opposition to GSI's Motion for Partial Summary Judgment.	
		Uretropexia Laparoscopia, Arch. Esp. de Urol. 46, 7 (642-644) 1993 (With English Translation).	
		Urethropexia Laparoscopica Extraperitoneal, Arch. Esp. de Urol. 47.4 (415-418) 1994 (English Translation Attached).	

Examiner Signature		Date Considered	
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